

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *py* D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
MEMPHIS

CURLEE WEBB, on Behalf of
Herself and All Others
Similarly Situated,

Plaintiffs,

vs.

No. 02-2795-MaV

CORPORATE SECURITY, INC.,
ET AL.,

Defendants/Third-
Party Plaintiffs,

vs.

RENEE AUSTILL,

Third-Party
Defendant.

ORDER DENYING DEFENDANT'S MOTION TO REBUT PLAINTIFFS' EXPERT
AUDIT AS BASIS FOR DAMAGES

Before the court is the October 4, 2005 motion of defendants Tommy Young and Judy Young, to rebut plaintiffs' expert audit as the basis for damages. The motion was referred to the United States Magistrate Judge for determination.

In the motion, the Youngs request that the court dismiss the plaintiffs' Rule 26(a)(2)(B) expert report prepared by G. Wayne Culver, claiming that it is prejudiced, inaccurate and incomplete. To rebut and respond to the plaintiffs' expert report, the Youngs

attached an "audit" prepared by Jan Simpson that they claim is factual and accurate. To the extent that the Youngs ask the court to exclude the plaintiffs' expert report, this is an improper motion and is therefore denied. The Youngs may present their arguments with respect to the validity of the plaintiffs' expert report at trial.

In the motion, the Youngs also request that the plaintiffs, Renee Austill and their attorneys reimburse them for their attorney fees in the amount of \$42,000. To the extent that the Youngs ask the court to impose sanctions on the parties and award attorney fees, the motion is denied without prejudice. The Youngs have not provided the court with sufficient basis for the imposition of such sanctions.

IT IS SO ORDERED this 14th day of October, 2005.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



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Honorable Samuel Mays
US DISTRICT COURT